



Federal Communications Commission
Washington, D.C. 20554

May 2, 2014

DA 14-592

CBS Television Stations, Inc.
1800 K Street NW, Suite 920
Washington, DC 20006

On February 20, 2014, CBS Television Stations, Inc. ("CBS"), licensee of broadcast television Station KCNC-TV, Denver, Colorado, and its associated remote pickup broadcast auxiliary Station KPF238, asked the Wireless Telecommunications Bureau ("Bureau") to waive section 74.462 of the Commission's rules, to permit it to operate Station KPF238 using digital radio devices that comply with the certification requirements in section 74.451 of the Commission's rules¹ with digital modulation and emission designations FXE and FXD.² As explained below, we grant this Waiver Request.

We conclude that CBS has shown that a waiver is warranted in this case. To be granted a waiver under the Commission's Rules, CBS must show that (1) the underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; or (2) in view of the unique or unusual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.³ Section 74.462 of the Commission's rules lists the permissible emissions that may be employed by remote pickup broadcast auxiliary stations.⁴ Emission designations FXE and FXD are not included in the list of permissible emissions.⁵

We agree with CBS that applying section 74.462 to this case and preventing CBS from using digital equipment on Station KPF238 would frustrate the underlying purpose of the rule, which is to prevent interference. CBS has shown, through the experience of its affiliate, CBS Communications Services, Inc., that a broadcast auxiliary facility can operate on the proposed frequencies with the requested emission designator without causing interference or other adverse effects to other spectrum users.⁶ For 24 months, CBS's affiliate, CBS Communications Services, Inc., operated experimental Station WG2XBM, in Golden, Colorado, 15 miles west of Denver, using emissions FXE and FXD on the proposed frequencies with no reported interference or other adverse effects to other stations.⁷ Thus, CBS has shown that applying section 74.462 to its case would frustrate the underlying purpose of section 74.462.

We also agree with CBS that it is in the public interest to grant its waiver request. CBS persuasively argues that Station KPF238 would more efficiently use spectrum if it is operated using digital modulation rather than analog modulation. For instance, the use of digital equipment will enable

¹ 47 C.F.R. § 74.451.

² File No. 0006166143, Request for Waiver, CBS Television Stations Inc. (filed Feb. 20, 2014) ("Waiver Request").

³ 47 C.F.R. § 1.925(b)(3).

⁴ 47 C.F.R. § 74.462.

⁵ *Id.*

⁶ *See* Waiver Request.

⁷ *Id.* Station WG2XBM was coordinated with the Denver coordinator of the Society of Broadcast Engineers. *Id.*

CBS to transmit both voice and data with a single 12.5 KHz channel, which cannot be done when the station is operating in analog mode.⁸ And the digital operation of Station KPF238 will also permit CBS to track newsgathering vehicles and transmit crucial data, such as text messages and cueing information among station news personnel.⁹ Thus we find that CBS has shown that it is in the public interest to operate Station KPF238 using digital modulation and emission designations FXE and FXD.

For the reasons stated above, IT IS ORDERED, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Sections 1.925 and 74.462 of the Commission's Rules, 47 C.F.R. §§ 1.925, 74.462, that the Request for Waiver of Section 74.462 of the Commission's Rules filed by CBS Television Stations Inc. on February 20, 2014 in connection with File No. 0006166143 IS GRANTED.

IT IS FURTHER ORDERED that the licensing staff of the Broadband Division SHALL PROCESS the pending application of CBS Television Stations, Inc. to modify remote pickup broadcast auxiliary service Station KPF238 filed on February 20, 2014, (File No. 0006166143) in accordance with this letter and the applicable Commission rules.

FEDERAL COMMUNICATIONS COMMISSION

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⁸ *Id.*

⁹ *Id.*